## REMARKS/ARGUMENTS

### Claim Amendments

The Applicant has amended claims 38-40, 42, 44-47, 49-50, and 54. No claims have been added and claim 43 has been canceled. Applicant respectfully submits no new matter has been added. Accordingly, upon entry of this Amendment, claims 38-42 and 44-55 remain pending in the Application. Favorable reconsideration of the Application is respectfully requested in view of the foregoing amendments and the following remarks.

### Examiner Objections - Claims

In the Office Action, claim 54 is objected to because of informalities. In response, Applicant has amended claim 54 to read "Code (CIC)" (instead of "Code (CID)"), as suggested by the Examiner. In light of this amendment, Applicant believes that this ground for objection has been overcome.

### Claim Rejections – 35 U.S.C. § 103 (a)

Claims 38-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohm et al. (hereinafter Bohm) (US 6,370,385) in view of Ho et al. (hereinafter Ho) (US 6,091,953) and Naqvi, et al. (hereinafter Naqvi) (US 6,850,763 B1). Applicants respectfully traverse, but have also amended independent claims 38, 45, and 50 to highlight the novel features of the present invention.

The invention of independent claims 38, 45, and 50, as currently recited, requires a media gateway selection node operably coupled between at least two media gateways and a switch pool (which term necessarily implies a plurality of switches). The cited references, either alone or in combination, do not disclose this particular configuration, although they do variously refer to networks having a plurality of access nodes and switches. That is, it is the particular configuration to which claims 38, 45, and 50 are directed, not simply the presence of multiple nodes and switches.

Bohm FIG. 3, for example, does include a plurality of BSCs and a plurality of MSCs, each of which are connected to the same DTM network (col. 4, lines 8-13, 51-

58). The DTM network is said to be able to provide a connection between any two of these components (BSCs and MSCs), but no other details are provided as to how that connection is to be accomplished. Functionally, of course, the prior art system of Figure 1 of the present Application also is able to connect each MSC with each BSC (unlike the prior art system depicted in Bohm FIG. 1). The present invention is not simply this ability, however, but rather how it is accomplished in a manner according to the recited embodiments.

In the embodiment recited in independent claims 38, 45, and 50, for example, at least two media gateways are present, and in addition a media gateway selection node configured for certain functions. This is, of course, not shown in Bohm FIG. 3. In addition, Applicant respectfully points out that it is also not shown in Bohm FIG 6. There, a single switch 22 is connected to all of the MSCs (but is for some reason cited in the Office Action as the "at least two media gateways"). Regardless of whether switch 22 is a media gateway (and it is not described at length in Bohm), there is only one. It follows that there is in Bohn no media gateway selection node to select one of the "at least two media gateways". This is clear because there is no component specified that can allocate a non-dedicated circuit pathway between a switch (for example, an MSC) and the selected media gateway.

In the Office Action, Ho is cited for providing access by a plurality of user terminals to services of a telecommunication network. Applicant agrees that the prior art teaches that telecommunication networks provide access to a number of subscribers (*see* the Application at paragraph [0002]). Naqvi is cited for a media gateway selection node, referring to proxy switch 300. Proxy switch 300, however provides a single switch, transparent to the BS (base station) 117 and MSC 110, that either passes a message between them unaltered, alters the message first, or siphons the traffic to a completely different alternate network 400 in which case the (already defined) pathway between BS 117 and MSC 110 is avoided entirely. (*See* Naqvi FIG. 3A and col. 6, lines 51-65.) The proxy switch does not refer to a media gateway selection database, select from at least two media gateways, and allocate a pathway between access nodes and a switch pool (no switch pool is in fact shown in FIG. 3A). In some cases, the proxy

switch simply acts as an MSC itself (*see* col. 7, lines 1-3). In an alternate Naqvi embodiment (FIG. 3B), the proxy switch may be connected to more than one BS and more than one MSC. In this case, however, the proxy switch still cannot act as a media gateway selection node that selects a media gateway from the at least two media gateways. Each of these components is simply not present, nor their respective functions described.

Note that Navqvi FIG. 11 depicts a state machine module 1106 having a media gateway controller module 1110, which acts with the data plane 304 of proxy switch 300 (shown in FIGS. 3A and 3B) to carry out one of the functions mentioned above (col. 17, line 52 - col. 18, line 4), including passing or altering a message, or shunting traffic to an alternative network (that is, not to one of the two MSCs). In other words, media gateway controller module 1110 (its label notwithstanding) does not make proxy switch 300 a media gateway selection node as that component is described in pending independent claims 38, 45, and 50.

In light of these remarks and the amendments made herein, Applicant respectfully suggests that independent claims 38, 45, and 50, as well as the claims depending directly or indirectly from them, are distinguishable from the cited art references taken individually or in combination. For this reason Applicant believes this ground for rejection has been overcome.

Claims 54-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of Naqvi and Bohm. Applicants respectfully traverse. Claim 55 recites a media gateway selection node (MGWSN) for selecting a circuit pathway between a requesting switch and a target access node, wherein the MGWSN further comprises means for notifying the requesting switch of the selection and means for reserving the selection with a selected media gateway. Claim 54 recites the operation of contacting an MGWSN requesting a circuit connection to a target access node, whereupon the MGWSN consults a media gateway selection database and selects one media gateway.

Ho does not disclose a media gateway selection node as described in claims 54 and 55. In the Office Action, multi-service network 1712 is cited as the "Node" (presumably the media gateway selection node). But network 1712 is simply a network,

which is not described in detail except that it carries both signaling messages and user traffic. (*See* Ho at col. 20, lines 7-18; col. 19, lines 34-39.)

As described above in reference to claims 38-53, Bohm and Navqi, either alone or in combination with Ho, also fail to disclose a media gateway selection node *as it is recited in the claims of the present invention.* Claims 54 and 55 are therefore also distinguishable from the cited art references, both individually or in combination. For this reason Applicant believes this ground for rejection has also been over come.

In view of these Remarks and the amendments made herein, Applicant respectfully suggests that this ground for rejection has been overcome. The Examiner's consideration of the amended claims is respectfully requested.

## CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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